

BILL LOCKYER, Attorney General
of the State of California
BARRY D. LADENDORF, State Bar No. 52548
Supervising Deputy Attorney General
Attorneys for Complainant

JULIE VELARDE
Senior Legal Analyst
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2084
Facsimile: (619) 645-2061

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2001 62874

JOEL B. RICHEY, P.T.
4763 Crisp Way
San Diego, California 92117

A C C U S A T I O N

Physical Therapist License No. PT 13574

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.
2. On or about May 8, 1986, the Physical Therapy Board of California issued Physical Therapist License No. PT 13574 to JOEL B. RICHEY, P.T. (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2005, unless renewed.

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4. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

(k) The aiding or abetting of any person to engage in the unlawful practice of physical therapy.

“(a) The supervising physical therapist shall be readily available in person or by telecommunication to the physical therapist assistant at all times while the physical

1 therapist assistant is treating patients. The supervising physical therapist shall provide
2 periodic on site supervision and observation of the assigned patient care rendered by the
3 physical therapist assistant.

4 “(b) The supervising physical therapist shall initially evaluate each patient and
5 document in the patient record, along with his or her signature, the evaluation and when
6 the patient is to be reevaluated.

7 “(c) The supervising physical therapist shall formulate and document in each
8 patient's record, along with his or her signature, the treatment program goals and plan
9 based upon the evaluation and any other information available to the supervising physical
10 therapist. This information shall be communicated verbally, or in writing by the
11 supervising physical therapist to the physical therapist assistant prior to initiation of
12 treatment by the physical therapist assistant. The supervising physical therapist shall
13 determine which elements of the treatment plan may be assigned to the physical therapist
14 assistant. Assignment of these responsibilities must be commensurate with the
15 qualifications, including experience, education and training, of the physical therapist
16 assistant.

17 “(d) The supervising physical therapist shall reevaluate the patient as previously
18 determined, or more often if necessary, and modify the treatment, goals and plan as
19 needed. The reevaluation shall include treatment to the patient by the supervising physical
20 therapist. The reevaluation shall be documented and signed by the supervising physical
21 therapist in the patient's record and shall reflect the patient's progress toward the
22 treatment goals and when the next reevaluation shall be performed.

23 “(e) The physical therapist assistant shall document each treatment in the patient
24 record, along with his or her signature. The physical therapist assistant shall document in
25 the patient record and notify the supervising physical therapist of any change in the
26 patient's condition not consistent with planned progress or treatment goals. The change in
27 condition necessitates a reevaluation by a supervising physical therapist before further
28 treatment by the physical therapist assistant.

1 “(f) Within seven (7) days of the care being provided by the physical therapist
2 assistant, the supervising physical therapist shall review, cosign and date all
3 documentation by the physical therapist assistant or conduct a weekly case conference
4 and document it in the patient record. Cosigning by the supervising physical therapist
5 indicates that the supervising physical therapist has read the documentation, and unless
6 the supervising physical therapist indicates otherwise, he or she is in agreement with the
7 contents of the documentation.

8 “(g) There shall be a regularly scheduled and documented case conference
9 between the supervising physical therapist and physical therapist assistant regarding the
10 patient. The frequency of the conferences is to be determined by the supervising physical
11 therapist based on the needs of the patient, the supervisory needs of the physical therapist
12 assistant and shall be at least every thirty calendar days.

13 “(h) The supervising physical therapist shall establish a discharge plan. At the
14 time of discharge, or within 7 (seven) days thereafter, a supervising physical therapist
15 shall document in the patient's record, along with his or her signature, the patient's
16 response to treatment in the form of a reevaluation or discharge summary.”

17 7. CCR, title 16, section 1399.10, states:

18 Pursuant to Section 2639 of the code, a physical therapist license applicant whose
19 application for licensure has been filed and reviewed by the board may perform as a physical
20 therapist if he or she is under the direct and immediate supervision of a physical therapist
21 licensed by the board. "Direct and immediate supervision" means a supervisor shall at all times
22 be responsible for and provide adequate supervision of the work performed by the physical
23 therapist license applicant and shall be in close proximity to the location where the physical
24 therapist license applicant is rendering physical therapy treatment. The physical therapist license
25 applicant shall document each treatment in the patient record, along with his or her signature. A
26 supervising physical therapist shall countersign with his or her first initial and last name in the
27 patient's record on the same day as patient related tasks were provided by the physical therapist
28 license applicant.

1 A supervising physical therapist shall document receipt of the letter authorizing
2 physical therapist license applicant status and record the expiration date of such status in the
3 employee record. A supervising physical therapist shall require the applicant to provide
4 documentation of the license issued at the conclusion of the physical therapist license applicant
5 status. If the applicant fails to pass the licensing examination all privileges to work as a physical
6 therapist license applicant shall terminate.

7 Authorizing the physical therapist license applicant to work after the conclusion of
8 physical therapist applicant status constitutes unprofessional conduct.

9 COST RECOVERY

10 8. Section 2661.5 of the Code states:

11 (a) In any order issued in resolution of a disciplinary proceeding
12 before the board, the board may request the administrative law judge to direct any
13 licensee found guilty of unprofessional conduct to pay to the board a sum not to
14 exceed the actual and reasonable costs of the investigation and prosecution of the
15 case.

16 CAUSE FOR DISCIPLINE

17 (Aiding and Abetting Unlicensed Practice)

18 9. Respondent is subject to disciplinary action under Code sections 2660 (i),
19 2660(j), 2660(k), and CCR, title 16, section 1398.44, in that he aided and abetted his physical
20 therapist assistant, S.R., to engage in the unlawful practice of physical therapy. Respondent also
21 failed to co-sign the treatment note for treatment rendered by his physical therapist applicant,
22 A.S. The circumstances are as follows:

23 A. On or about November 7, 2001, an investigation was
24 conducted regarding a complaint about unlicensed physical therapy care provided
25 at the La Jolla Physical Therapy Center. Respondent is the supervising physical
26 therapist and S.R., his wife, is the physical therapist assistant at the La Jolla
27 Physical Therapy Center. Review of nine charts revealed initial patient
28 evaluations performed by S.R. and treatment of patients in which S.R. acted

1 independently as a physical therapist. Such action by a physical therapist assistant
2 would constitute the physical therapist assistant functioning illegally as a physical
3 therapist.

4 **Patient J. Maze (treated by physical therapist applicant)**

5 B. On or about December 13, 1999, patient J. Maze was
6 provided physical therapy by a physical therapist license applicant, A. S. The
7 treatment note was signed by the physical therapist applicant, A. S, without a co-
8 signature by respondent, the supervising physical therapist nor was there any chart
9 notation that a case conference was conducted by respondent with the physical
10 therapist applicant, A. S.

11 **Patient B. McCormick**

12 C. On or about May 10, 2001, the physical therapist assistant
13 provided physical therapy to patient B. McCormick. The treatment note was
14 signed by the physical therapist assistant without a co-signature by respondent, the
15 supervising physical therapist, nor was there any chart notation that a case
16 conference was conducted by respondent with the physical therapist assistant.

17 **Patient W. Griffin**

18 D. On the following dates, the physical therapist assistant
19 provided physical therapy to patient W. Griffin. The treatment notes were signed
20 by the physical therapist assistant without a co-signature by respondent, the
21 supervising physical therapist, nor was there any chart notation that a case conference was
22 conducted by respondent with the physical therapist assistant:

23 January 29, 2001
24 March 7 & 21, 2001
25 April 2, 9 & 16, 2001
26 May 21, 2001
27 June 4 & 25, 2001
28 July 9, 2001
August 1 & 29, 2001
September 24, 2001
October 8 & 22 2001

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1 **Patient M. Kallusch**

2 D. On the following dates, the physical therapist assistant
3 provided physical therapy treatment to patient M. Kallusch. The treatment notes
4 were signed by the physical therapist assistant without a co-signature by
5 respondent, the supervising physical therapist, nor was there any chart notation
6 that a case conference was conducted by respondent with the physical therapist
7 assistant:

8 August 15, 20, & 30, 2001
9 September 27, 2001
October 22, 2001

10 **Patient E. Markey**

11 E. On the following dates, the physical therapist assistant
12 provided physical therapy treatment to patient E. Markey. The treatment notes
13 were signed by the physical therapist assistant without a co-signature by
14 respondent, the supervising physical therapist, nor was there any chart notation
15 that a case conference was conducted by respondent with the physical therapist
16 assistant:

17 January 29, 2001
18 February 14 & 28, 2001
19 April 9, 11 & 30, 2001
June 11, 2001
August 8, 2001
20 October 4, 8, & 15, 2001

21 **Patient B. Marshall**

22 F. On the following dates, the physical therapist assistant
23 provided physical therapy to patient B. Marshall. The treatment notes were signed
24 by the physical therapist assistant without a co-signature by respondent, the
25 supervising physical therapist, nor was there any chart notation that a case conference was
26 conducted by respondent with the physical therapist assistant:

27 September 24 2001
28 October 1 & 8, 2001
June 21 & 25, 2001

1 **Patient D. Carlson**

2 G. On September 5, 2001, the physical therapist assistant
3 wrote a letter to patient D. Carlson's insurance company recommending
4 continuation of physical therapy treatments for D. Carlson. On or about
5 October 1, 2001, the physical therapist assistant wrote another letter to the
6 insurance company stating that the patient was under her guidance for
7 pelvic/lumbar stability and lower extremity strengthening. The letters were not
8 co-signed by respondent nor was there any documentation in the record that
9 respondent agreed or was aware of the treatment and letters written by the
10 physical therapist assistant. In addition, the physical therapist assistant provided
11 physical therapy to patient D. Carlson. The treatment notes were signed by the
12 physical therapist assistant without a co-signature by respondent, the supervising
13 physical therapist, nor was there any chart notation that a case conference was
14 conducted by respondent with the physical therapist assistant:

15 July 30, 2001
16 August 2, 2001
17 October 22, 2001
18 September 11, 2001

18 **Patient C. Hamburger**

19 H. On October 2, 2000, the Initial Evaluation was conducted
20 by the physical therapist assistant. On the following dates, the physical therapist
21 assistant provided physical therapy to patient C. Hamburger. The treatment notes
22 were signed by the physical therapist assistant without a co-signature by
23 respondent, the supervising physical therapist, nor was there any chart notation
24 that a case conference was conducted by the supervising physical therapist with
25 the physical therapist assistant:

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October 2, 2000 Initial Evaluation
October 25, 2000
November 6, 2000
December 4, 11 & 18, 2000
January 22 & 29, 2001
February 5, 20, & 28, 2001
April 2, 9, & 23 2001
June 18 & 25, 2001
July 23 & 30, 2001
August 8 & 20, 2001
September 10, 18, & 24, 2001
October 8 & 22, 2001

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist License Number PT 13574, issued to JOEL B. RICHEY, P.T.;

2. Ordering JOEL B. RICHEY, P.T. to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

3. Taking such other and further action as deemed necessary and proper.

DATED: March 10, 2004 .

Original Signed By:
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

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